

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
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This Document relates to:

Thomas Burnett, Sr., et al. v. the Islamic Republic of Iran, et al. No. 15-cv-9903
(GBD)(SN)

**DECLARATION OF JOHN M. EUBANKS
IN SUPPORT OF PLAINTIFFS' MOTION TO CORRECT**

I, JOHN M. EUBANKS, declare, under penalty of perjury, as follows:

1. I am an attorney admitted to practice in the above-captioned matter and Member Attorney with the law firm Motley Rice LLC, counsel for the *Burnett* Plaintiffs in the above-referenced matter (the “*Burnett* Plaintiffs”). I submit this Declaration in support of the *Burnett* Plaintiffs’ Motion to Correct clerical errors in Exhibit A to the March 15, 2024 Declaration of John M. Eubanks filed at ECF No. 9648-1; and the Proposed Final Judgment Exhibit B filed at ECF No. 9649-2.

2. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm’s representation of the *Burnett* Plaintiffs in the MDL in connection with the terrorist attacks on September 11, 2001, other court records relating to this multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in this multidistrict litigation, and conversations with these plaintiffs and other family members of these plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. On March 15, 2024, the *Burnett* Plaintiffs filed a Motion for Entry of Partial Final Judgments on behalf of a subset of plaintiffs. *See* ECF No. 9646; ECF No. 687 in No. 15-cv-9903.

The motion was supported by my Declaration with exhibits and a Proposed Final Judgment. *See* ECF Nos. 9648 (Declaration; ECF No. 689 in No. 15-cv-9903); 9648-1 (Exhibit A; ECF No. 689-1 in No. 15-cv-9903); 9648-2 (Exhibit B; ECF No. 689-2 in No. 15-cv-9903); 9648-3 (Exhibit C, part 1; ECF No. 689-3 in No. 15-cv-9903); 9649-4 (Exhibit C, part 2; ECF No. 689-4 in No. 15-cv-9903); and 9649 (Proposed Judgment; ECF No. 690 in No. 15-cv-9903).

4. Since the filing of the motion, I learned that line 1 of Exhibit A to my declaration stated an incorrect relationship between the individual plaintiff and the 9/11 decedent. Joseph Afflitto, Jr. is actually the sibling—and not the parent—of 9/11 decedent Daniel Thomas Afflitto, Sr. The corrected Exhibit A to my declaration (and Exhibit B to the Proposed Order) will replace the prior version to indicate the correct relationship and also the correct judgment amount of \$4,250,000 based the relationship.

5. The correction requested by the *Burnett* Plaintiffs is simply clerical in nature. Rule 60(a) applies, at least in part, to errors or omissions committed by an attorney or the court which are not apparent on the record. *See In re Merry Queen Transfer Corp.*, 266 F. Supp. 605 (E.D.N.Y. 1967). The corrected exhibit appended to this Declaration are intended to aid the Court in its consideration of the *Burnett* Plaintiffs' pending motions for default judgment against the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran.

6. For the foregoing reasons, the *Burnett* Plaintiffs respectfully request that the Court grant their Motion to Correct and Order that the Exhibit A attached hereto be substituted for ECF No. 9648-1 (ECF No. 689-1 in No. 15-cv-9903) and ECF No. 9649-2 (ECF No. 690-2 in No. 15-cv-9903).

May 2, 2024

/s/ John M. Eubanks
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